

Ronald Wilcox, Esq., State Bar No. 176601
2160 The Alameda, Suite F, First Floor
San Jose, CA 95126
Tel: (408) 296-0400
Fax: (408) 296-0486

ATTORNEY FOR PLAINTIFF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JASON MUSSYNSKI,

Plaintiff,

v.

PHILLIPS & BURNS, LLC, ANGELA
PRICE, and ANGELA RUSSO,

Defendants.

CIV. NO. C07-04828 JW HRL

STIPULATION TO CONTINUE

2/4/08 CMC AND RELATED

DEADLINES PENDING SETTLEMENT; and
[PROPOSED] ORDER

Date: February 4, 2008

Time: 10:00 a.m.

Courtroom 8

4th Floor

The parties have agreed to settle the matter. The parties respectfully request the Court continue the following events and deadlines for 30 days to allow for the settlement to be completed:

1. The events presently scheduled on January 28, 2008, i.e., filing of the Rule 26(f) Report, completion of initial disclosures or statement of objections in Rule 26(f) Report, and filing of Joint Case Management Statement.
2. The Initial Case Management Conference presently scheduled on February 4, 2008.

Dated: January 25, 2008

Ronald Wilcox, Counsel for Plaintiff

Dated: January 25, 2008

John DiNapoli, Counsel for Defendants


~~PROPOSED~~ ORDER

Before the Court is the parties' Stipulation to Continue the Case Management Conference presently scheduled for February 4, 2008. Based on the parties' representations, the above-entitled matter has reached a settlement. In light of the settlement, the Court vacates all trial and pretrial dates. On or before **March 3, 2008**, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **March 10, 2008 at 9:00 a.m.** and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b). On or before **March 3, 2008**, the parties shall file a joint statement in response to the Order to Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing the settlement and how much additional time is requested to finalize and file the dismissal. If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated.

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this action.

Dated: January 29, 2008


JAMES WARE
United States District Judge